

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Health/Developmental Disabilities Division*Department/Division/Agency*

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

Due to the nature of this particular client the Department of Health (DOH) is requesting for SPO's consideration to approve this request until June 2006. The transitional residential support services for this particular adult female with developmental disabilities/mental retardation, and psychiatric disorder with challenging behaviors has been very difficult. Local providers that have dealt with client and client's family are unwilling to work with family to provide needed services. This client has had many hospitalizations over the past year and has been hospitalized for an extended period of time (beyond the normal period for the injury), due to difficulty in securing an alternative residential placement with additional behavioral supports. These residential services under a quasi-medical behavioral model, whereby, the client's services are directed by the behavior support plan, needs to be continued until successful placement into Kennedy Krieger Institute in Baltimore. Due in part to the nature of the individual's needs, service requirements also includes documentation of plan implementation and its modifications as well as staff training. Nursefinders, Inc. is the only provider interested on Maui in providing these services. DOH staff has approached other provider agencies, but they have declined admission into their program due to past issues and inability to provide necessary staffing.

Provider Name: BCP, Inc. dba Nursefinders of Hawaii	Total Contract Funds: \$200,000	Term of Contract:
Provider Address: 1100 Ward Avenue, Suite 770 Honolulu, HI 96814	Contract Funds per Year (as applicable).	From: To: November June 30, 2006 13, 2005

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Health and safety of DD/MR individual is critical to this situation and previous attempts to place this client has been extremely difficult. This client's behavior to an unfamiliar situation has caused major issues with her family and DOH staff that ultimately has caused DOH staff no other option but to have client hospitalized. Satisfactory placement after hospitalization has been difficult for this client as private providers on Oahu and Maui have refused to provide services to this client. Last hospitalization and release required DOH administrator's intervention with the family to negotiate an interim arrangement (until Kennedy Krieger Institute has an available bed) whereby, the client would be supported without jeopardizing health and safety. Due to her present condition, particularly her challenging behaviors (which had been exacerbated by her hospitalization), the DOH agreed to provide 1:1 and 2:1 personal assistance supports directed by a behavior team to ensure her health and safety during her transition to Maui. The team is expected to be available on call 24/7 to address her challenging behaviors and it is anticipated that communications between team members, case manager, and family has been intense. In order to maintain a required level of support, the DOH is requesting the continuation of these services until successful placement at Kennedy Krieger Institute in Baltimore (admission is anticipated sometime between December 2005 and January 2006). Any change to current individuals condition could require another hospitalization and risk to her health and safety.

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

Temporarily providing these services to this client, DOH believes would save monies versus time and effort spent on anticipated legal action by family members.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

DOH has approached various providers about this client. There are limited providers on Maui with both the expertise and trained staff to implement and monitor behavior support plans. Due to knowledge and past dealings with client, other providers on Maui are unwilling to assist at this time. Nursefinders, Inc. has the experience and trained staff in providing these required services for client. In addition, Nursefinders, Inc. is a contracted Medicaid waiver provider. Currently, DOH staff are working in getting the client to Kennedy Krieger Institute in Baltimore as initially planned. At this time, the facility that family has agreed to, does not have an available bed and DOH is projecting either December 2005 at the earliest or January 2006. DOH has secured alternative method of payment for this placement through Medicaid. Upon her return to Hawaii, services after stabilization period will be transitioned to funding under the Home and Community Based Services - DD/MR waiver.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

There are limited providers who have contracts with the Department of Human Services as Medicaid waiver providers. Given the nature of the situation and to fulfill requirements in providing services on Maui, the selected provider must have expertise and trained staff. DOH has approached other providers, however, due to knowledge of and past dealings with individual, they are unwilling to assist at this time.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

David Fray, Chief, Developmental Disabilities Division, Department of Health
Elizabeth Fletcher, DD/MR Compliance Officer, Developmental Disabilities Division
Linda M. Rosen, M.D., M.P.H., Deputy Director, Health Resources Administration, Department of Health

Direct questions to (name & position):
Dr. David Fray, Chief
Developmental Disabilities Division

Phone number:
586-5842

e-mail address:
david.fray@doh.hawaii.gov

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☒ No ☐

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

I certify that the information provided above is to the best of my knowledge, true and correct.



Department Head Signature

DEC - 9 2005

Date

Chiyome Leianaala Fukino, M.D.

Typed Name

Director of Health

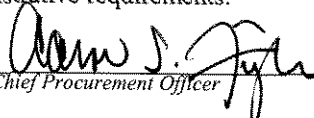
Position Title

Chief Procurement Officer's Comments:

Request is approved for after-the-fact payment of services already delivered through 6/30/06. It is the responsibility of each purchasing agency to maintain proper oversight of its contracts. This includes the submission of requests for exemption, when appropriate, in a timely manner.

Please ensure adherence to applicable administrative requirements.

☒ Approved ☐ Denied



Chief Procurement Officer

12/16/05

Date

cc: Administrator
 State Procurement Office